

### **REMARKS**

Claims 15 to 17 have been canceled and claims 13, 18, 22, 23, and 25 have been amended. Claims 13, 14, and 18 to 26 are now pending and submitted for the Examiner's reconsideration.

Applicants thank the Examiner for indicating that claims 17, 18, and 22 include allowable subject matter. As to claim 17, it has been canceled and its subject matter, which includes that of claims 15 and 16 as well, has been incorporated into claim 13. A similar amendment has been made to claim 23. It is therefore respectfully requested that the objections and rejections as to claims 13, 14, and 18 to 26 be withdrawn.

The drawings were objected under 37 C.F.R. § 1.83(a). The objection is respectfully traversed. It is respectfully submitted that the feature of the thermosensor including an IR sensor, the feature of the conductor, and the feature of the reference circuit trace do not need to be shown because under 37 C.F.R. § 1.81(a), to which § 1.83(a) is subject, an applicant is only "required to furnish a drawing of [the] invention where necessary for the understanding of the subject matter sought to be patented". It is respectfully submitted that these features are fully described by the specification, so that a drawing of these features is not necessary. (See Specification, page 9, lines 1 to 9, and page 8, lines 4 to 35.) It is therefore respectfully requested that this drawing objection be withdrawn.

The specification was objected to due to informalities. The objection is respectfully traversed. It is respectfully submitted that the specification clearly explains that while a plurality of thermocouples 20 may be created on the surface of the supporting body 12, such that the plurality of thermocouples 20 may be connected in series and arranged in a cross-pattern or star-pattern, only one thermocouple is shown in Figure 1. Furthermore, it is shown in Figure 1 that first thermal contact 10 may be exposed to a first temperature T1, and second thermal contact 11 may be exposed to a second temperature T2. (See Specification, page 6, lines 10 to 33.) It is therefore respectfully requested that this objection be withdrawn.

Claims 14 and 24 were objected to due to informalities. The objection is respectfully traversed. It is respectfully submitted that the specification clearly explains that the thermosensor 5 may be in the form of an infrared sensor. (See Specification, page 9, lines 1 to 9.) It is therefore respectfully requested that this objection be withdrawn.

Claim 16 was objected to due to informalities. The objection is respectfully traversed. It is respectfully submitted that the specification clearly explains that while a plurality of thermocouples 20 may be created on the surface of the supporting body 12, such that the

plurality of thermocouples 20 may be connected in series and arranged in a cross-pattern or star-pattern, only one thermocouple is shown in Figure 1. Furthermore, it is shown in Figure 1 that first thermal contact 10 may be exposed to a first temperature T1, and second thermal contact 11 may be exposed to a second temperature T2. (See Specification, page 6, lines 10 to 33.) It is therefore respectfully requested that this objection be withdrawn.

Claim 18 was objected to due to informalities. Claim 18 has been amended to correct informalities due to typographical errors. Furthermore, it is respectfully submitted that there is no lack of antecedent basis in claim 18 for a “conductor” in line 3. It is therefore respectfully requested that this objection be withdrawn.

Claim 22 was objected to due to informalities. Claim 22 has been amended to correct informalities due to typographical errors. It is therefore respectfully requested that this objection be withdrawn.

Claims 13 to 22 and 25 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 13 and 25 have been amended and are therefore definite and allowable. Claims 15 to 17 have been canceled. Claims 14 and 18 to 22 depend from claim 13, and are therefore allowable for the same reasons as claim 13. It is therefore respectfully requested that this objection be withdrawn.

Claims 18 and 22 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. It is respectfully submitted that these claims are definite for at least the following reasons. Claim 18 provides that the measuring device one of includes a part of one of the circuit traces, arranged in the vicinity of one of the first thermal contact, and of a conductor and includes a reference circuit trace as a sensitive component, arranged in a vicinity of the first thermal contact, and wherein the measuring device includes an evaluation arrangement configured to determine a temperature dependent, electrical resistance of one of the part of the trace, the conductor and the reference circuit trace. As described in the specification, the “measuring device may be realized by providing an additional reference circuit trace made from platinum in one vicinity of first thermal contact 10 as sensitive component of this measuring device, this measuring device also being interconnected via appropriate conductors to generally conventional evaluation devices for determining a temperature-dependent electrical resistance of this reference circuit trace. This reference circuit trace may be designed, for instance, analogously to conductor 17 or second circuit board conductor 16” and that “[a]lternatively, however, the measuring device may also be realized by using one segment of second circuit trace 16 or of conductors 17 as reference circuit trace and may be

interconnected to appropriate evaluating arrangements for determining the temperature-dependent, electrical resistance of this part of the circuit trace.” (See Specification, page 8, lines 12 to 28). Accordingly, claim 18 is definite, as are its dependent claim 22.

Claims 13 to 15, and 19 were rejected under 35 U.S.C. § 102 (b) as anticipated by Higashi et al., U.S. Patent No. 5,220,189. Since claim 13 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 13 is allowable as presented, as are its dependent claims 14 and 19. Claim 15 has been canceled. It is therefore respectfully requested that the rejection be withdrawn.

Claims 13 to 16, 19 and 20 were rejected under 35 U.S.C. § 102 (e) as anticipated by Beerwerth et al., U.S. Patent No. 6,203,194. Since claim 13 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 13 is allowable as presented, as are its dependent claims 14, 19, and 20. Claims 15 and 16 have been canceled. It is therefore respectfully requested that the rejection be withdrawn.

Claims 20 and 21 were rejected under 35 U.S.C. § 103 (a) as unpatentable over Higashi et al., U.S. Patent No. 5,220,189, the publication by Gerwen et al. entitled “Thin-Film Boron-Doped Polycrystalline Silicon 70%- Germanium 30% For Thermopile”, and the admitted prior art. Since claim 13 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 13 is allowable as presented, as are its dependent claims 20 and 21. It is therefore respectfully requested that the rejection be withdrawn.

Claims 23 to 25 were rejected under 35 U.S.C. § 103 (a) as unpatentable over Higashi et al., U.S. Patent No. 5,220,189, the publication by Gerwen et al. entitled “Thin-Film Boron-Doped Polycrystalline Silicon 70%- Germanium 30% For Thermopile”, and the admitted prior art. Since claim 23 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 23 is allowable as presented, as are its dependent claims 24 and 25. It is therefore respectfully requested that the rejection be withdrawn.

Claim 21 was rejected under 35 U.S.C. § 103 (a) as unpatentable over Beerwerth et al., U.S. Patent No. 6,203,194, the publication by Gerwen et al. entitled “Thin-Film Boron-Doped Polycrystalline Silicon 70%- Germanium 30% For Thermopile”, and the

admitted prior art. Since claim 13 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 13 is allowable as presented, as is its dependent claim 21. It is therefore respectfully requested that the rejection be withdrawn.

Claims 23 to 26 were rejected under 35 U.S.C. § 103 (a) as unpatentable over Beerwerth et al., U.S. Patent No. 6,203,194, the publication by Gerwen et al. entitled "Thin-Film Boron-Doped Polycrystalline Silicon 70%- Germanium 30% For Thermopile", and the admitted prior art. Since claim 23 has been amended to include the features of claim 17, which the Examiner has indicated includes allowable subject matter, it is respectfully submitted that claim 23 is allowable as presented, as are its dependent claims 24 to 26. It is therefore respectfully requested that the rejection be withdrawn.

### Conclusion

It is therefore respectfully submitted that all of the pending claims are allowable. It is therefore respectfully requested that the rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

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